

# EXHIBIT H

***Supreme Court  
State of New York***



***Richard Platkin  
Acting Justice***

***Albany County Courthouse  
16 Eagle Street, Room 256  
Albany, New York 12207  
(518) 285-8941  
Fax (518) 694-3195  
PlatkinChambers@nycourts.gov***

July 27, 2023

**Via NYSCEF and Electronic Transmission**

Joseph G. Noonan, Esq.  
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Rosen Law LLC  
216 Lakeville Road  
Great Neck, New York 11020

**Re: Albany County Supreme Court  
VW Credit Inc. v Boscaino Collision & Towing Corp., et al.  
Index No.: 900899-22**

Dear Counselor:

Your email request of July 26, 2023, seeking to convert the in-person inquest on damages into a virtual appearance, is denied.

While I generally am very accommodating when it comes to remote appearances for routine conferences and even oral arguments, I have found that the presentation of live testimony and evidence in the courtroom is the best method of conducting trials and other evidentiary hearings.

Given the relatively modest value associated with the subject vehicle in its present condition (*see* NYSCEF Doc No. 37), I encourage the parties to negotiate an agreement on value.

Alternatively, I would be willing to conduct an “inquest on papers” if the parties enter into a written stipulation allowing the Court to decide conversion damages on the basis of competing “expert” affidavits. However, the parties would need to agree in writing that (i) the Court may engage in fact-finding on the basis of the affidavits and any exhibits, (ii) each party is freely and voluntarily waiving its right to a hearing, and (iii) the Court’s finding as to value shall be final and not subject to appeal. Any such stipulation should include a briefing schedule.

Otherwise, the inquest shall remain on the calendar for an **in-person** appearance on **August 3, 2023 at 10:30 a.m.**

Very truly yours,

A handwritten signature in blue ink, appearing to read 'R. Platkin', is written over a horizontal line.

Richard Platkin

RP/dap

cc: John M. Dubuc, Esq. (*via NYSCEF*)